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STATE PLAN FOR ADMINISTRATION
OF THE PROGRAM OF VOCATIONAL
REHABILITATION IN SOUTH CAROLINA

S T A T E P L A N

FOR

ADMINISTRATION OF THE PROGRAM

OF

VOCATIONAL REHABILITATION

IN

SOUTH CAROLINA

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STATE PLAN FOR ADMINISTRATION OF THE PROGRAM OF
VOCATIONAL REHABILITATION IN SOUTH CAROLINA

SECTION 1. GENERAL PROVISIONS

1.1 Coverage.

The State Plan constitutes a description of the vocational rehabilitation program of the State of South Carolina.

(a) The State Agency does not administer the program of vocational rehabilitation of the blind.

(b) The rehabilitation of the blind is administered by a separate commission, established by the State of South Carolina. In terms of ophthalmic measurement, persons with central visual acuity of 20/200 or less in the better eye with correcting lens or a visual field limited to 20 in the widest diameter may be considered industrially blind and are served exclusively by the Division of the Blind.

1.2 Submittal of Plan Materials.

(a) The Executive Officer, upon the approval of the State Agency of Vocational Rehabilitation submits plan materials to the Regional Commissioner of the Social and Rehabilitation Service.

(b) The State Plan will be amended whenever necessary to reflect a material change in any applicable phase of State law, organization, policy or division operations.

(c) Amendment(s) to the State Plan will be submitted to the Social and Rehabilitation Service for approval before it is put into effect, or within a reasonable time thereafter.

1.3 Legal Basis.

(a) Certified copies of all laws, including current appropriation laws, pertaining to the administration of the vocational rehabilitation program are now in the current State Plan.

(b) The State Plan does not provide for the administration of the vocational rehabilitation program by a local rehabilitation agency.

SECTION 2. ADMINISTRATIVE ORGANIZATION

2.1 Designation of State Agency.

(a) The State Agency of Vocational Rehabilitation, hereafter referred to as State Agency, is designated as the sole agency for the administration, supervision, and control of the State Plan.

(b) The State Agency is (1) primarily concerned with vocational rehabilitation or vocational and other rehabilitation of disabled individuals; (2 & 3) the State Agency is an independent State agency operating under a State Board in the field of vocational rehabilitation; (4) a separate State agency administers vocational rehabilitation services to the blind.

(c) Act number 108 of the Acts of 1957 is the legal authority for such designation.

2.2 Responsibility of the State Agency.

(a) All decisions affecting eligibility for vocational rehabilitation services including the acceptability for extended evaluation for the determination of rehabilitation potential, and the nature and scope of vocational rehabilitation services to be provided, will be made by the State agency through its organizational unit and that this responsibility will not be delegated to any other agency or individual.

(b) The State Agency will develop and staff a plan by July 1, 1970, for regular continuing and objective review and evaluation of all aspects of its program.

(c) The State Plan does not provide for administration of the vocational rehabilitation program by a local rehabilitation agency.

2.3 Organization of the State Agency.

(a) The South Carolina Department of Vocational Rehabilitation is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of disabled individuals and is responsible for the vocational rehabilitation program of the South Carolina Agency of Vocational Rehabilitation.

The Vocational Rehabilitation Agency is established by a legislative act and its Board is recommended and appointed by the Governor with the consent of the Senate. The legislature places the Agency's relationship on the level with other major programs such as Public Education, Public Health, and Public Welfare.

Section 2.3 (Continued)

The Agency consists of seven Board members duly organized to carry out the function of the law. The Board selects the Director of the Vocational Rehabilitation Program who becomes the Executive Officer of the State Agency.

(1) The Executive Officer is responsible to the South Carolina State Agency of Vocational Rehabilitation for carrying out and enforcing the rules and regulations of the Agency with reference to the total vocational rehabilitation program. In carrying out these duties, he directs and coordinates the program and assumes the responsibility for the provision of adequate services and for uniformity in the application of all policies, rules and regulations.

(2) The State Agency Plan for regular continuing and objective review and evaluation of all aspects of its program will be put in operation.

(3) Public information and program interpretation is an integral part of the total program and plans are established to carry this out.

(4) Counseling, training, and placement of clients are the responsibility of the counselor and other professionals under the supervision of staff supervisors. Systematic and adequate counseling and guidance for the benefit of each client will be provided from acceptance to completion of all services included in the individual's plan.

(5) Services will be provided to explore and determine the rehabilitation potential of each applicant.

(6) Establishment and utilization of workshops and facilities will be given major emphasis by the administrative staff of the program developing and utilizing resourceful staff for carrying out their functions.

(7) Physical restoration will be provided when necessary in the vocational rehabilitation of the client. The counselor is responsible under the supervision of the area supervisor for making and carrying out the plan for physical restoration. He will have the assistance of the medical consultant and such other consultants as may be employed for this purpose.

The State Medical Consultant is responsible for giving technical advice and consultation to the State

Section 2.3 (Continued)

Director and staff members designated by the Director with respect to the medical aspects of the vocational rehabilitation program. His duties and responsibilities will be to furnish consultation to the State staff on individual cases and specific medical problems; advise with regard to the execution of the policies for physical restoration; assist the Department in its contracts with the medical and associated professions; assist in training the rehabilitation casework staff with regard to physical rehabilitation methods; assist in the maintenance of standards established by the Department for the selection of physicians, hospitals, and other types of facilities; and to assist in the maintenance of standards established for rates of pay to physicians, hospitals, and other medical personnel and facilities.

The Area Medical Consultant is responsible for giving technical advice and consultation to the area supervisor and counselors regarding medical aspects of the rehabilitation program within the area; for interpreting to the medical profession the policies, procedures and standards established at the State level; and for assisting in the training of rehabilitation personnel in the technical phases of physical rehabilitation. His primary function is to give advisory services to the area staff on individual cases referred to him. The Area Medical Consultant will attend staff meetings occasionally in order to participate in the planning and appraisal of the medical aspects of the rehabilitation program.

(8) As the need is indicated, other consultative services for special disability groups or special purposes will be provided.

(9) Specialized programs, such as disability determinations in connection with preservation of Social Security Administration benefits and self-care rehabilitation services for severely handicapped persons will be integrated with the total rehabilitation program. Workers may be given special assignments for handling cases under these programs. A State staff person is employed to supervise the Social Security Administration Disability Benefits program and the services of Medical Consultants are utilized to the extent necessary in connection with this phase of the program.

(10) Vocational rehabilitation services will be provided to Social Security disability beneficiaries of the Social Security Trust Funds.

Section 2.3 (Continued)

(11) The General Agency is not utilizing the specialized programs such as the State Agency managed business enterprises, homebound industries, and vending stand programs.

(12) The State Agency operates rehabilitation facilities and workshops using qualified staff for supervision, coordination, and consultation of the workshops and facilities.

(13) The State is divided into areas for administration purposes and each is under the direction of an area supervisor. He is responsible for seeing that services are provided in all parts of the area and has direction of all personnel on his staff. He also serves as public relations representative in his area.

(14) The Director will be responsible to the Agency for maintaining a program of research and statistics. Specific responsibilities in this connection will be delegated to members of the staff who are in position to render this service.

(15) The Director will be responsible to the Agency for maintaining financial accounts, budgets, and records. Qualified accountants will be delegated the responsibility for carrying out these duties.

(b) The State Plan does not provide for the administration of the plan by a local rehabilitation agency.

(c) Functions and responsibilities of staff members are included as further fulfillment of the requirements in Section 2.3.

The Deputy Director's duties are highly responsible, professional, and administrative. They involve assisting and planning, developing, coordinating, and supervising the state program of vocational rehabilitation. The employee in this class is responsible for assisting in developing and recommending administrative policy, scope of service, and for assisting in executing policy developed and approved. Work involves executing plans for specialized services for a particular type need of a disability group or service area and assisting in supervising the administration of the provisions of the approved State Plan under the general direction of the Director of the Department. A major function of the Deputy Director is that of aiding the Director in formulation of policy making. The Deputy Director acts for the Director of the program in his absence.

The Director of Administrative Services - Vocational Rehabilitation's duties are highly professional in the field

Section 2.3 (Continued)

of finance and administration of the Vocational Rehabilitation Agency. Assists the Agency head in planning and developing policies and procedures for Board approval. Assists the Agency head in the administrative affairs of the Vocational Rehabilitation Agency. Assists in the establishment and implementation of personnel, accounting and other business policies. Acts for the Director when the Director and the Deputy Director are absent.

The Assistant to the Director - Vocational Rehabilitation is a highly professional position in Vocational Rehabilitation. Serves as a special assistant to the Director. Conducts assignments of a specialized or technical nature as assigned by the Agency head for the purpose of assisting him in administrative duties. Coordinates operational supervision in evaluating the needs of the program and assists the Deputy Director and the Director of Administrative Services - Vocational Rehabilitation in developing and recommending administrative policy and scope of services for approval.

The Supervisor of the Division of Workshops and Facilities is responsible to the Deputy Director for the planning, developing, evaluating, and supervising of the workshop facilities and evaluation facilities throughout the State. This position involves responsibility for supervisory services in the area of workshops and facilities, in promoting new workshops and facilities, in evaluating established facilities, and in recommending types of services to be carried on in the workshops and facilities in the various communities throughout the State. He will coordinate the division services with other divisions of the Department. (See Section 2.7)

The Supervisor of Rehabilitation Services is responsible to the Deputy Director for stimulating and promoting sound practice in providing rehabilitation services. He is responsible for supervising, planning, and recommending standards in the field of evaluation, case planning, case procedures, physical restoration, counseling and guidance, placement and follow-up, etc. He is responsible for evaluating program needs for the handicapped persons, as well as staff needs for providing services to the handicapped. He will plan and recommend new standards and techniques for providing greater services in the rehabilitation field to the disabled. He will coordinate his work with other divisions in the Department, both supervisory and consultative.

The Supervisor of the Division of the cooperative Vocational Rehabilitation-Public School Programs is responsible to the Deputy Director for effecting an agreement with the schools to provide rehabilitation services to the

Section 2.3 (Continued)

handicapped boys and girls of eligible age. He will promote, organize, and establish a facility within the school which provides rehabilitation services over and above that being carried on by the school. The team approach will be used in bringing about comprehensive evaluations, personal adjustment training, prevocational and vocational training. A major portion of this may be effected within the schools, while other phases may be carried out within the community. He will work with the school officials in establishing, within the facility, the best possible plans for providing services; he will cooperate with the other divisions of the Vocational Rehabilitation Department in promoting total rehabilitation to these handicapped individuals.

The Supervisor of the Disability Determination Division is responsible to the Deputy Director for the supervision of the operation of the Disability Determination Office. This office prepares disability determinations on applicants who have applied to their local Social Security Office for disability insurance benefits under the Social Security Administration Act. The Supervisor is responsible also for referring potential cases to vocational rehabilitation in accordance with existing policies; for maintaining relationship with the medical profession of South Carolina to assure that satisfactory consultative examinations are obtained; and for maintaining a working relationship with the Bureau of Old-Age and Survivors Insurance District Offices and other divisions of the Rehabilitation Department.

The Comptroller is responsible to the Director of Administrative Services - Vocational Rehabilitation in assisting in planning, organizing, and directing the fiscal and accounting functions. He maintains accounts and related data and supervises activities of a varied staff of clerical and accounting personnel. He certifies vouchers for payment of proper claims.

The Coordinator of Planning and Research is responsible to the Deputy Director for the promotion of research and for the gathering and compiling of statistics. This position is on a statewide operational level and may be engaged in a total research effort or on various local levels in studying the processes and the work of the Rehabilitation Department in relationship to the needs of the State. He will develop reports of research results and statistical information to be used for rehabilitation planning and promotion. He will coordinate the work with other divisions of the Department.

The Chief Psychologist and Training Officer is responsible to the Deputy Director for carrying on a program of in-service training and psychological consultation and

Section 2.3 (Continued)

supervision. He plans and develops with other personnel an in-service staff development program. He develops techniques and methods for evaluating training needs of the staff and develops training plans in coordination with universities and colleges and special group training for strengthening the staff members of the rehabilitation program. He provides psychological consultation and assistance to the divisions of the Rehabilitation Department as the need arises. He develops guidelines and consultation for the use of psychological services. He will be responsible for administering psychological tests to applicants for professional positions in the rehabilitation program. He will provide consultation and supervision with other psychologists employed in the rehabilitation program to insure better services and more uniform services in the psychological area.

The fore mentioned positions and all other classified positions under their supervision in the Vocational Rehabilitation Program are a permanent part of the South Carolina Personnel Classification System.

Section 2.4 Local Rehabilitation Agencies.

The State Plan does not provide for administration of the program by a local rehabilitation agency.

2.5 State Director and Staff.

(a) The State Agency of Vocational Rehabilitation elects the Director who is also the Executive Officer. He devotes his full time and efforts to the vocational rehabilitation program, except for such time as is needed in administering the Disability Determination Division.

(b) All or substantially all of the rehabilitation staff are employed full-time on the rehabilitation program.

(c) The State Director is subject only to the direction and supervision of the State Agency for matters relating to vocational rehabilitation.

2.6 Medical Consultation.

(a) The Department will employ adequate medical personnel to provide the necessary consultative services to the rehabilitation program on a state and local level and to the Disability Determination Division. These may be employed on a full-time, a part-time, or a contractual basis and will be under the general administrative direction of the State Director of Vocational Rehabilitation.

Section 2.6 (Continued)

(b) General Medical consultation is available directly to the counseling staff at least once a week.

(c) and (d) Previously covered in Section 2.3.

Section 2.7

State Agency Facility Staff.

(a) The facility staff has the responsibilities for carrying out the functions of the State Agency pertaining to rehabilitation facilities in such areas as planning, the setting of standards for rehabilitation facilities utilized in providing services to eligible individuals including, when appropriate, disadvantaged individuals under the State evaluation and work adjustment plan, the effective utilization of existing rehabilitation facilities in the rehabilitation process, the construction and establishment of facilities, the coordination between the State Agency and the State Agency or agencies administering the programs pursuant to any other act concerned with the development, establishment, or construction of rehabilitation facilities in order to prevent duplication of the rehabilitation facility effort and impairment of the State vocational rehabilitation program, the functions of the State Agency in the administration of grants and services for rehabilitation facilities and other activities involving rehabilitation facilities, and the updating and maintenance of the State rehabilitation facilities plan.

(b) The State Agency Facility Staff devote their full time and efforts to the functions previously covered.

Section 2.8

Staff Development.

(a) The Department has a program of staff development for the purpose of improving the operation of the Vocational Rehabilitation program and promoting the provision of high quality vocational rehabilitation services to increasing numbers of handicapped individuals.

(b) The scope of the staff development program:

(1) The supervisory personnel determine the training needs by observation of work performance and by periodic reassessment of achievement.

(2) Induction and orientation training is provided for all new staff members including supervisors, counselors, evaluators, consultants, and clerical personnel. The training of new workers seeks to provide the basic understandings, knowledge and skills required for efficient performance in their respective jobs.

(3) Continuing training opportunities and career development for all classes of positions including those of subprofessional staff under expert leadership at suitable intervals.

Section 2.8 (Continued)

(c) Selected professional personnel may be granted periods of study with pay, for the purpose of specialized training to perform specialized jobs with the Department. Personnel desiring specialized training to improve their work or for the purpose of promotion to positions of greater responsibility, in keeping with the organized training policy recommended by the Director and approved by the Agency, may be granted leaves for study, with scholarships.

(d) Central responsibility for planning the program of staff development is assumed by the Chief Psychologist. This is a part-time position and will be worked jointly with the duties of the state psychologist. He would coordinate the training program activities and encourage the participation of all the professional staff in determining the nature and scope of the program.

Section 2.9 Program Planning Staff.

(a) The State Agency will employ adequate staff with appropriate qualifications responsible for carrying out continuing Statewide studies of the needs of handicapped individuals within the State and the means by which these needs may be most effectively met. The responsibility may include but is not limited to:

(1) A continuing identification of those disabled persons who need and can benefit from vocational rehabilitation services;

(2) the review, updating, and implementation of Statewide planning studies for vocational rehabilitation services and of related planning studies within the State;

(3) an evaluation of the adequacy of existing rehabilitation program resources and identification of those resources necessary for meeting future rehabilitation needs;

(4) planning studies and activities necessary for the development and improvement of the State vocational rehabilitation program; and

(5) such other studies as are necessary to ensure the orderly development of rehabilitation services and resources.

Planning studies for rehabilitation services will be coordinated, to the maximum extent possible, with related planning activities being conducted on a Statewide, regional, or

Section 2.9 (Continued)

other basis under authority of the act or other authority. Coordinated or joint planning studies will be conducted with the Agency for the Blind.

(b) Advisory committees, representing labor, management, medical and health related organizations and institutions, the disabled, public and voluntary agencies and civic groups will be utilized to the maximum extent possible in the conduct of the Statewide planning studies, and no less than one-third of the membership of such advisory committees will be or shall represent disabled persons.

2.10 Program Review Staff.

(a) The State Agency will have adequate staff with appropriate qualifications for carrying out a regular continuing and objective evaluation of all aspects of its program. This responsibility will include:

- (1) the development and utilization of schedules which will yield objective material to measure the quality of both the administration and the program accomplishments of the State Agency;
- (2) the development of criteria for the analysis of the materials and for the effective utilization of findings in program improvement;
- (3) the development of a time schedule for Statewide coverage of the review within a reasonable period; and
- (4) the provision of regular reports related to the time schedule for immediate use upon completion of a segment of the review and for summary upon Statewide completion of the review.

2.11 Cooperation with Other Agencies.

The Department has working relationships with the various agencies and organizations with which the Department deals in provision of vocational rehabilitation services.

(a) Specified Agencies.

- (1) The Department will establish and maintain a cooperative working relationship with the Bureau of Employees' Compensation of the U. S. Department of Labor;
- (2) The Department has established and will maintain a cooperative working relationship with the Social Security Administration of the U. S. Department of Health, Education, and Welfare;

Section 2.11 (Continued)

(3) The Department has established and will maintain a cooperative working relationship with the State Agency administering the public assistance program;

(4) The Department has established and will maintain a cooperative working relationship with the State Workmen's Compensation Agency;

(5) The Department has a written agreement and will maintain a cooperative working relationship with the State Employment Service; and

(6) The Agency has a written agreement with the Department of Public Welfare which administers Title XIX.

(b) State Employment Service. There is a written agreement with the State Employment Service which provides for reciprocal referral services, exchange of reports of services, joint service programs, continuing liaison, and maximum utilization of the job placement and employment counseling services and other services and facilities of the public employment service.

(c) Other Agencies. The State Agency has established and will maintain working relationships with other public and private agencies and institutions such as crippled children's agencies, Veterans Administration facilities, hospitals, health and mental health departments, State and Federal agencies administering wage and hour laws applicable to handicapped individuals, State and other agencies administering special education, vocational education, the economic opportunity and manpower development and training programs, the State Selective Service System, voluntary social and health agencies furnishing services related to vocational rehabilitation, and the local Model Cities Agencies, so as to assure maximum utilization on a coordinated basis of the services which all agencies in the State have to offer for the vocational rehabilitation of handicapped individuals.

(d) The Agency will establish with the Commission of the Blind reciprocal referral services, utilize each others' services and facilities to the extent practicable and feasible; jointly plan activities which will improve services to handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

Section 2.12

Advisory Committees.

The Department has a Medical Advisory Committee, consisting of twelve members or more which will include the field of general surgery, internal medicine, urology, orthopedics, psychiatry, anesthesiology, ophthalmology, otology, neurology, and hospital administration. In addition the committee will include the State Health officer as a member. Members of the committee will be appointed upon the recommendation of the Director of Vocational Rehabilitation to the State Agency. The appointments are for terms of one, two, and three years. The Committee will meet at the call of the State Director. The Committee will act only in an advisory capacity, and will not assume duties which are the responsibility of the Director. Members will receive agenda, which will be prepared by the Department, in advance of each meeting. Members may be reimbursed for cost or per diem travel to and from the meeting.

The Department has a State Rehabilitation Advisory Council composed of representatives of industry, labor, welfare, and other fields of interest. The function of this Council is to assist and make recommendations in developing the rehabilitation program. The appointments are for a term of three years. The Council will meet at the call of the Director, act only in an advisory capacity and will not assume the duties which are the responsibility of the Director. Members will receive agenda, which will be prepared by the Department, in advance of each meeting. Members may be reimbursed for per diem allowance and travel expenses to and from meetings.

The South Carolina Commission on Alcoholism serves as an advisory committee on affairs concerning alcoholism. The function of the Advisory Committee is to offer consultation and make recommendations in the operation of a rehabilitation program for alcoholics. The committee meets at the call of the Director of Vocational Rehabilitation through the Director of the South Carolina Commission on Alcoholism and acts only in an advisory capacity. It does not assume the duties which are the responsibility of the Director of Vocational Rehabilitation. Members will receive agenda, which will be prepared by the Department, in advance of each meeting. Members may be reimbursed for per diem allowance and travel expenses to and from meetings.

SECTION 3.

PERSONNEL ADMINISTRATION

3.1 Policies Relating to Employment of Qualified Personnel.

(a) Selection and Appointment.

The policies of the Department are to employ those people who meet the Department's established standards of training, experience and personal qualifications. Professional personnel are required to have one or more degrees from an accredited college or university. Other personnel must have suitable education, training and experience to meet the requirements of the position. These applicants who meet the above requirements are interviewed after filling out the proper application forms specifying their qualifications. Persons under consideration for positions are submitted to psychological testing for complete evaluation. Those who meet the standards as set forth by the State Agency may be employed by the Director. Each individual who is employed will be classified according to salary schedule range under the State's established system of classification. The first year of service is under probation. After then, an individual can only be discharged for cause. The complete records will be maintained sufficiently to provide information for the evaluation of the entire system of personnel administration.

(b) Promotion.

Promotions from within the organization are desirable for those employees who possess all the qualifications required for the higher position.

(c) Tenure.

Regular employees will not be discharged except for cause or for necessary reduction in staff. Any employee who has been asked to resign or who has been discharged for cause will be given a hearing before the State Agency, if desired. It will be the duty of each official to exercise supervision over employees under his jurisdiction. In the event of disagreement between an employee and his supervisor, either may carry the matter to a higher authority, including an appeal to the State Agency, for final adjustment.

(d) Nondiscrimination.

It is the policy to employ those persons who have been carefully screened and evaluated but without discrimination on the basis of sex, race, creed, color, or national origin.

Section 3.2

Qualification Standards.

Minimum qualifications have been established, including standards of training and experience, which are commensurate with the duties and responsibilities of the class of position and which will assure adequate job performance.

Section 3.3 Compensation Schedule.

The State has established a compensation schedule for all classes of positions in the vocational rehabilitation program including both full-time positions and part-time ones. The rates of compensation are consistent with the duties and responsibilities of that class of position.

3.4 Maintenance of Written Policies and Records.

The Department will maintain such written personnel policies, records and other data as are necessary to permit an evaluation of the operations of the system of personnel administration in relation to the standards of the Department and the State classification system.

3.5 Participation in Political Activity.

Persons employed in the administration of the program shall not participate in political activity but as employees shall always have the right as citizens to express their views and cast their votes.

3.6 Local Administration.

The State Plan does not provide for administration of the vocational rehabilitation program by one or more local rehabilitation agencies.

SECTION 4. FISCAL ADMINISTRATION

4.1 Source of Funds.

Annual appropriations are made by the State legislature for the State Agency of Vocational Rehabilitation. Provisions are made for the acceptance of grants, donations and gifts from individuals, organizations and public and private agencies.

4.2 Custody of Federal Funds.

The State Treasurer is the custodian of all funds received by the State under the Federal Act.

4.3 Disbursement Procedures.

(a) All financial obligations are incurred by the Department. The authorizations are executed by staff members designated by the Director and submitted to vendors in the case of each obligation incurred. A copy of the authorization is retained by the Department and the invoices are checked against the authorizations. Vouchers are prepared and approved by the Department and sent to the State Comptroller General who audits and assigns warrant numbers authorizing the State Treasurer to make payments. Information for payment is furnished to the State Treasurer who writes checks concerning the expenditures. These checks are returned to the Department for mailing to the payees.

(b) No officials outside the Vocational Rehabilitation Department have the responsibility of pre-audit.

(c) The fiscal year is from July 1 through June 30, and bills for goods received and services rendered in that period are payable not later than August 31. Services must be rendered, equipment must be properly authorized by purchase order and contractual services must be actually begun prior to July 1. It is further provided that five per cent (5%) of the total appropriation may be carried forward and expended for the same purposes during the ensuing fiscal year.

4.4 Accounting and Auditing System.

Detailed records on receipts and expenditures of funds are maintained by the Department and control records are maintained by the Finance Division of the Department, the State Comptroller General, and the State Treasurer. The records of all departments of State government, including the above, are audited annually by the State Auditor.

4.5 Maintenance of Accounts and Supporting Documents.

The Department will maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the

Section 4.5 (Continued)

Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to be against the respective Federal authorization.

4.6 Construction Contracts.

The Department will incorporate, or cause to be incorporated into construction contracts (including construction contracts related to the establishment or construction of rehabilitation facilities) paid for in whole or in part with funds obtained from the Federal Government under the vocational rehabilitation programs, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and will otherwise comply with requirements prescribed by and pursuant to such Order.

4.7 Locally Administered Programs.

The State Plan does not provide for administration of the program by a local rehabilitation agency.

SECTION 5.

REPORTS

(a) The Agency makes such reports in such forms and containing such information as the Administrator may reasonably require, and complies with such provision as he may find necessary to assure the correctness and verification of such reports.

(b) The Vocational Rehabilitation Agency will cooperate with the Social and Rehabilitation Service reviews in administrative, fiscal and program methods and practices. The results obtained from these reviews will be utilized to improve rehabilitation services.

SECTION 6. SCOPE OF AGENCY PROGRAM

6.1 Objectives and Services.

(a) The Agency will provide rehabilitation services to handicapped individuals. Such services will include evaluation, including: (1) diagnostic and related services; (2) counseling and guidance; (3) physical restoration services; (4) maintenance; (5) transportation; (6) training and training materials (including personal and vocational adjustment training and tools); (7) comprehensive evaluation at a rehabilitation facility, workshop or other suitable facility; (8) other goods and services which are necessary to determine the rehabilitation potential.

(b) The vocational rehabilitation plan shall specify that all necessary services will be carried to completion insofar as possible. The Department may terminate or revise the plan for any client when it becomes evident that his vocational rehabilitation cannot be achieved, that services cannot be completed, or that the client's needs have changed. The State Plan shall as a minimum provide evaluation, including diagnostic and related services, counseling and guidance, training (including personal and vocational adjustment) maintenance, physical restoration, placement, and follow-up services.

Federal financial participation will be requested in rendering vocational rehabilitation services. "Vocational rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a gainful occupation, including (1) diagnostic and related services (including transportation) required for the determination of eligibility for and the nature and scope of services to be provided; (2) counseling; (3) physical restoration services; (4) training (including personal and vocational adjustment training); (5) books and training materials (including tools); (6) maintenance; (7) placement; (8) follow-up services; (9) tools, equipment, initial stocks and supplies; (10) management services and supervision provided by the State Agency, and initial stocks and supplies for small business enterprises, operated under the supervision of the State Agency, by the severely handicapped; (11) transportation; (12) occupational licenses; (13) applicable to the Commission for the Blind; (14) interpreter service for the deaf; (15) services to members of a handicapped individual's family when such services will contribute substantially to the rehabilitation of the handicapped individual; (16) recruitment and training services for new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate service

Section 6.1 (Continued)

employment; (17) other goods and services necessary to render a handicapped individual fit to engage in gainful occupation.

"Vocational rehabilitation services" (for purposes of extended evaluation for the determination of rehabilitation potential) also means any goods or services such as (1) diagnostic and related services (including transportation) required for the determination of eligibility for and the nature and scope of services to be provided; (2) counseling; (3) physical restoration services; (4) training (including personal and vocational adjustment training); (5) books and training materials (including tools); (6) maintenance; (7) transportation; (8) services to members of a handicapped individual's family when such services will contribute substantially to the rehabilitation of the handicapped individual; (9) other goods and services necessary to render a handicapped individual fit to engage in a gainful occupation.

These services are provided to an individual who has a physical or mental disability which constitutes a substantial handicap to employment, during the period specified to be necessary for, and which are provided for the purpose of ascertaining whether it may reasonably be expected that such individual will be rendered fit to engage in a gainful occupation through the provision of goods and services.

"Vocational rehabilitation services" also covers the establishment of a rehabilitation facility and the construction of a rehabilitation facility.

The term also covers the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual.

Workshop means a rehabilitation facility or that part of a rehabilitation facility, where any manufacture or handiwork is carried on and which operated for the primary purpose of (1) providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for disadvantaged individuals.

Section 6.2

Gainful Occupation.

Gainful occupation means any employment or self-employment for which payment is made in cash or in kind, including but not limited to jobs in the competitive labor market; practice of a profession; home making, farm or family work; sheltered employment; and home industries or other gainful home-bound work.

6.3

Statewide Application of Plan.

The Plan is in effect in all political subdivisions of the State, and the Agency will have sole responsibility for all financing for rehabilitation in regard to all political subdivisions in the State for all types of rehabilitation activities.

6.4

Waiver of Statewideness.

(a) The State Agency requests such a waiver in order to carry out activities in one or more political subdivisions through local financing to promote the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities.

(b) Under the waiver, the State Agency will carry out such activities as rehabilitation facilities and workshops, evaluation, training, and other client services customarily provided.

(c) The State Agency will:

(1) Obtain a full written description of any activity to be conducted under a waiver in a particular political subdivision.

(2) Obtain written assurance from the political subdivision that the non-federal share of funds is available to the State Agency.

(3) Require prior State Agency approval of each individual proposal before the proposal is put into effect in a political subdivision.

(4) Furnish such information and reports as the Administrator may from time to time require.

(5) Have sole responsibility for administration of the program in the particular local political subdivision except when Statewideness has been waived by the Administrator with respect to a joint project (Section 6.5).

Section 6.4 (Continued)

(6) Apply all the requirements of the State Plan to any activity carried out pursuant to a waiver of statewideness, except that funds made available to the State Agency by a political subdivision of the state (including funds contributed to such subdivisions by a private agency, organization or individual) may be earmarked for use within a specific geographical area, or for a specific facility or for the benefit of a group of individuals with a particular disability provided that the funds are not further earmarked for a particular individual or for members of a particular organization or for the donor's facility.

6.5 Shared Funding and Administration of Joint Projects.

If the State Agency elects to request the Administrator to authorize it to share funding and administrative responsibility for an identifiable joint project with another agency of the State in order to provide services to handicapped individuals, each joint project shall be based on a written agreement which: (a) describes the nature and scope of the joint project, the services to be provided to handicapped individuals, and the respective roles of each participating agency both in the provision of services and in the administration thereof; (b) specifies the initial term of the project and plans for anticipated continuation; (c) provides a budget showing for each fiscal year the financial participation by the State Agency and each other cooperating agency; (d) provides written assurance that funds are legally available for purposes of the joint project; (e) provides that the State Agency will annually evaluate the effectiveness of each project with special attention to its vocational rehabilitation objectives; and (f) assures that the State Agency will furnish such information and reports as the Administrator may from time to time require to determine whether the activities are achieving the purposes of the project and warrant continuation. (See Section 22.6(d)).

6.6 Cooperative Programs.

When a State's share of the cost of a cooperative program is made available in whole or in part by an agency of State or local government other than the State vocational rehabilitation agency, such cooperative program shall be based on a written agreement which (1) describes the activities to be undertaken; (2) provides for an annual budget; (3) provides that expenditures for vocational rehabilitation services will be under

Section 6.6 (Continued)

the control and at the discretion of the State Agency; (4) provides that only individuals in need of evaluation to determine eligibility or handicapped individuals who have either been certified as eligible or have been determined to be in need of extended evaluation to determine eligibility shall be served by the cooperative program; (5) provides for periodic evaluation of the cooperative program; and (6) provides that the State Agency will furnish such other information and reports as the Administrator may require.

Services provided in such a cooperative program will be vocational rehabilitation services which (1) are not services which are the primary responsibility of the cooperating agency, and to which the handicapped individual would be entitled if he were not an applicant or client of the State Agency or (2) represent new services or new patterns of services of the cooperating agency.

SECTION 7.

CASEFINDING AND INTAKE

7.1

Casefinding.

The Department has established and maintains cooperative working relationships with the Bureau of Employees' Compensation of the Department of Labor, the Social Security Administration of the Department of Health, Education, and Welfare, the State agencies responsible for the programs of public assistance and workmen's compensation and the system of public employment offices. The basis for the cooperative working arrangement with the system of public employment offices is a written agreement which provides, among other things, for reciprocal referral service, exchange of reports of service, joint service programs, continuous liaison and maximum utilization of the job placement and employment counseling services and other services and facilities of the public employment offices.

The Department has established and maintains working relationships with other public and private agencies and institutions, such as crippled children's agencies administering wage and hour laws applicable to workshops, State and other agencies administering public education, technical education, vocational education, and special education, economic opportunity and manpower development and training programs, the State Selective Service System and voluntary social and health agencies furnishing services relating to vocational rehabilitation, so as to assure maximum utilization on a coordinated basis of the services which all agencies in the State have to offer for the vocational rehabilitation of handicapped individuals.

Inasmuch as there is a separate State agency for the blind, the agencies have established reciprocal referral services, utilize each other's services and facilities to the extent practicable and feasible, jointly plan activities which will improve services to handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

7.2

Processing Referrals and Applications.

- (a) (1) The Department assigns each counselor a geographical territory regardless of whether he has a regular or special disability caseload. The counselor's objective in casefinding is to develop a referral system that will result in a regular flow of all types of the disabled who are eligible and feasible for rehabilitation. A satisfactory distribution of applicants as to age, sex, race, and geographic location is maintained.

Section 7.2 (Continued)

(2) Centralized intake units are used for the purpose of receiving individual or group referrals and applications. The Unit takes applications which are referred in or received direct and provides initial screening and evaluation.

(3) In the local offices where centralized intake units are not used, applications for service are received and investigated by the counselor. An action thereon is subject to review and approval by the area supervisor and the State office. Complaints and inquiries regarding services are directed to the counselor for further information and recommendation. If such complaints and inquiries are not satisfied by the counselor, they are then referred to the area office and finally to the State office. The counselor is to make a report to the referring agency on the results of his investigation.

(b) Intake is facilitated by as prompt action on referrals as is possible. It is the policy of the Department that a staff member contact the client at his home before services of the Department are rendered, if practical. The influence of the visit as well as contacts by telephone or other correspondence is used to motivate and encourage client to accept services. Periodic studies by supervisory staff are carried out to determine the length of time between referral and acceptance.

SECTION 8. DETERMINATION OF REHABILITATION POTENTIAL AND ELIGIBILITY

8.1 General Provisions.

It is the responsibility of the Department to determine acceptability of an individual for an extended evaluation to determine his rehabilitation potential and the eligibility of individuals for rehabilitation services and to determine the nature and scope of services to be provided such individuals. In determining the individual's eligibility for services, the Department takes into account all pertinent factors derived from the case study which includes investigation of medical, social, vocational and psychological factors.

8.2 Basic Requirements.

(a) The conditions governing the acceptance of an individual for an extended evaluation in order to determine his rehabilitation potential will be based upon: (1) the presence of a mental or physical disability; (2) the existence of a substantial handicap to employment; (3) the inability to make a determination as to whether there is a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a gainful occupation.

(b) Eligibility for vocational rehabilitation services in each case will be based upon: (1) the presence of a physical or mental disability; (2) the existence of a substantial handicap to employment; and (3) a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a gainful occupation.

(c) Rehabilitation potential and eligibility will be determined without regard to sex, race, creed, color or national origin of the individual. No group of individuals will be excluded from the program or found ineligible solely on the basis of their type of disability.

(d) No upper or lower age limit will be established which will, in and of itself, result in a finding of ineligibility.

(e) The Agency has no residency requirements and services are based only upon the intent of the applicant to reside within the boundaries of the state.

8.3 Other Factors.

No other restrictions apply.

Section 8.4

Certification.

(a) Acceptability of extended evaluation.

(1) Prior to or simultaneously with acceptance of an individual for vocational rehabilitation services for determination of rehabilitation potential, the State Agency will certify that the individual has met the basic requirements specified in 8.2(a) above.

(2) The certificate of acceptability will be dated and signed by the counselor or another professional member of the staff.

(b) Eligibility for rehabilitation services.

(1) Prior to or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, the Department will certify that the individual has met the basic requirements specified in 8.2(b) above.

(2) The certificate of eligibility will be dated and signed by the counselor or another professional member of the staff.

(c) Certificate of ineligibility.

(1) In the case of each individual adjudged ineligible for vocational rehabilitation services including vocational rehabilitation services to determine the rehabilitation potential, a certificate of ineligibility will be executed specifying which of the basic requirements have not been met.

(2) The certificate of ineligibility will be dated and signed by the counselor or other designated professional members of the staff. An applicant will be notified in writing of the determination and his right to an opportunity for a fair hearing.

8.5 Disabled Civil Employees of the U. S. Government.

The same standards of eligibility are applied to employees of the U. S. Government who are disabled in line of duty.

8.6 Social Security Beneficiaries Paid for from Trust Funds.

Special provision relating to the eligibility of Social Security Beneficiaries paid for from Trust Funds are contained in Section 26 of the Plan.

SECTION 9. CASE STUDY AND DIAGNOSIS

9.1 Diagnostic Study.

(a) The State agency will provide for the evaluation of rehabilitation potential to determine an individual's eligibility for vocational rehabilitation services. The State will provide such services necessary to evaluate an individual's rehabilitation potential and determine his eligibility for vocational rehabilitation services in accordance with policies and procedures as set forth in the following paragraphs of this section.

(b) In each case, prior to and as a basis for formulating the individual's plan of vocational rehabilitation, there will be a thorough diagnostic study, which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors.

(c) Such diagnostic study will be adequate to provide the basis for: (1) establishing that a physical or mental disability is present; (2) appraising the current general health status of the individual; (3) determining how and to what extent the disabling conditions may be expected to be removed, corrected, or minimized by physical restoration services; and (4) selecting an employment objective commensurate with the individual's interests, capacities and limitations.

(d) In each case, prior to and as a basis for formulating the individual's extended evaluation plan, sufficient case study and diagnosis will be completed: (1) to establish the presence of a physical or mental disability; (2) to establish a substantial handicap to employment; and (3) to ascertain the services to be provided during the extended evaluation period.

9.2 Scope of Case Study.

In each case according to the degree necessary, the diagnostic study will include an evaluation of the individual's personality, intelligence level, educational achievement, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational rehabilitation objective.

9.3 Medical Diagnostic Study.

The Department policy will be to provide in each case: (1) a complete general medical examination, providing an appraisal of the current medical status of the

Section 9.3 (Continued)

individual; (2) examinations by specialists in all medical specialty fields, as needed, including a psychiatric evaluation in all cases of mental illness (except as provided in Section 9.7-b); and (3) such clinical laboratory tests, x-rays, and other indicated studies as are necessary to establish the diagnosis, to determine the extent to which the disability limits (or is likely to limit) the individual's daily living and work activities and to estimate the probable results of physical restoration services.

9.4 Content of the Medical Diagnostic Study.

(a) Coverage.

The general medical examination consists of medical history and a complete examination including laboratory studies, including blood serological tests and urinalysis. The general medical provides a diagnosis which includes physical capacities and recommendations for further diagnostic study or treatment.

(b) Acceptance of Medical Abstract.

In lieu of procuring a new medical examination, the Department will accept a medical abstract which is taken from the files of a clinic, a health center or any cooperating agency, providing the medical information meets the minimum requirements of basic general medical examination.

(c) Recency.

The Department accepts a medical examination or abstract in lieu of securing a new examination when such report can be relied upon to provide a sound basis for diagnosis of the physical or mental condition of the client, provided the examination was given within a period of six months.

9.5 Medical Specialty Examinations.

Specialty examinations will be secured in all cases in which they are medically indicated. They will be secured either upon recommendation of the examining physician and approval of the medical consultant, or upon the recommendation of the medical consultant, or other rehabilitation personnel. An ophthalmological examination will be secured in all cases in which visual impairment is suspected; a psychiatric examination will be secured in all cases of mental illness.

Section 9.6

Diagnostic Hospitalization.

The Agency provides hospitalization for diagnosis when recommended by the attending physician and approved by the Department.

9.7

Psychological Evaluation.

(a) The Agency will secure psychological evaluation in all cases of mental retardation and the psychological evaluation will include a valid test of intelligence and an assessment of social functioning and educational progress and achievement.

(b) The Agency will secure a psychiatric or psychological evaluation in all cases of behavioral disorders.

9.8

Hearing Evaluation in Blind Cases.

This phase of services to handicapped individuals is handled by the S. C. Commission for the Blind.

9.9

Content of Evaluation.

(a) Evaluation will consist of I. Q., behavioral observation, demographic data, personal and social adjustment levels, basic personality dynamics, general area of interest expressed, plus any other pertinent information which would fully describe the assets and limitations of the individual.

(b) Behavioral disorders are included in the Regulations under "physical or mental disability." Behavioral disorders may be, but are not necessarily, medically diagnosable conditions. Their presence will be established by psychiatric or psychological evaluations as appropriate.

Individuals with behavioral disorders exhibit a condition having aspects distinguishable by a pattern of deviant behavior or inability to carry out normal relationships with family and community. Behavioral disorders may result from vocational, educational, cultural, social, environmental or other factors.

A behavioral disorder is present when, through an evaluation it is determined that an individual's behavior significantly deviates from what is considered normal or that his ability to carry on normal relationships with family and community is significantly impaired.

Section 9.9 (Continued)

A behavioral disorder exhibits abnormal behavior which persists over a period of time and manifests itself in various settings such as in school, on the job, before the courts, and in the family. In some instances, it will be necessary to supplement psychiatric or psychological evaluations with reports from a variety of examiners and observers such as teachers, employers, probation officers, social service agencies, or police. Such incidents and behavior as a single family quarrel, a single arrest, infrequent truancy, ideosyncracies, or mannerisms (and similar incidents and behaviours) would not, in themselves, constitute a behavioral disorder.

Factors such as cultural and social deprivation, chronic poverty, public offense, illiteracy and educational deficit, and longterm unemployment do not, in themselves, constitute behavioural disorders, but may contribute to the formation of a behavioral disorder.

SECTION 10.

REHABILITATION PLAN FOR THE INDIVIDUAL

10.1 Vocational Rehabilitation Plan for the Individual.

(a) An individual plan of vocational rehabilitation will be formulated for each client to whom services will be provided after eligibility has been established.

(b) The plan (1) will be based upon data secured in the diagnostic study, and the extended evaluation if provided; (2) will specify the vocational rehabilitation objective (or tentative objective where the ultimate objective cannot be determined at that time), the services necessary to accomplish the client's vocational rehabilitation (including services to family members when such services will contribute to rehabilitation of the handicapped individual), and the arrangements for providing (or otherwise securing) such necessary services; and (3) will be formulated with the assistance of appropriate agency consultants when necessary and with the client's participation.

(c) The vocational rehabilitation plan for the individual will specify all the services needed to achieve his vocational rehabilitation and such services will be carried to completion, insofar as possible.

(d) The plan may be revised or terminated when it becomes evident that a client's vocational rehabilitation cannot be attained, that services cannot be completed, or that the client's needs have changed.

10.2 Extended Evaluation Plan for the Individual.

(a) An extended evaluation plan to determine the rehabilitation potential will be formulated for each individual to whom services will be provided after certification that the individual has met the requirements for acceptance for extended evaluation.

(b) The plan (1) will be based on data secured in the preliminary diagnostic study; (2) will indicate the nature of the vocational rehabilitation services necessary to determine the vocational rehabilitation potential of the individual and the arrangements for providing (or otherwise securing) such necessary services; and (3) will be formulated with the assistance when necessary of appropriate agency consultants and with the client's participation.

(c) The Department will provide for frequent review of the individual's progress during the six or eighteen-month period, including periodic reports from the institution, facility or person providing the service.

Section 10.2 (Continued)

(d) The plan will be revised or terminated when it becomes evident that the individual's needs have changed or that his vocational rehabilitation cannot be completed or sufficient facts have been secured to determine his rehabilitation potential.

(e) At any time prior to the expiration of the six or eighteen-month period, the extended evaluation for determination of the rehabilitation potential shall be terminated and (1) the individual found eligible for vocational rehabilitation services if and when there is a reasonable expectation that he can be rendered fit to engage in a gainful occupation or (2) the individual found ineligible for any other vocational rehabilitation services at any time it is determined that there is no reasonable likelihood that he can be rendered fit to engage in a gainful occupation.

SECTION 11.

ORDER OF SELECTION FOR SERVICES

(a) Since the current resources of funds, personnel and facilities are insufficient to serve without delay all persons determined to be eligible, the Department will establish criteria which will give due cognizance to both individual and external factors in the client's situation. Such criteria will be applied, in selecting those eligible clients to be served, with a view to achieving the objectives of the vocational rehabilitation program to the fullest possible extent with available funds.

The Department will apply, with appropriate values, the following criteria in selecting those eligible clients to be served:

Individual Factors

- (1) Nature and extent of disability
- (2) Severity of the handicap to employment
- (3) Obligations and needs condition
- (4) Potential employability in terms of abilities and aptitudes and residual limitations
- (5) Psychological readiness for service
- (6) Expectation of success
- (7) Duration of disability

External Factors

- (1) Cost of rehabilitation
- (2) Availability of rehabilitation personnel and facilities
- (3) Employment conditions
- (4) Labor market needs
- (5) Work expectancy

The above numbered items are not necessarily listed to show the most important to the least important. Each case must be weighed with all appropriate values considered.

(b) The order for selection of disability beneficiaries paid for from Trust Funds is specified in Section 26.

SECTION 12. COUNSELING AND GUIDANCE

12.1 Policies for Counseling and Guidance of Handicapped Individuals.

The Department will provide (a) adequate and systematic counseling services to the handicapped individual in connection with his vocational potentialities and the health, personal, and social problems related to his vocational adjustment; and (b) necessary assistance to him in developing an understanding of his capacities and limitations, in selecting a suitable occupational goal, and in using appropriately the medical services, training, and other rehabilitation services needed to achieve the best possible vocational adjustment.

12.2 Methods of Evaluating the Progress of Handicapped Individuals.

(a) The Agency will secure pertinent reports from other agencies, institutions and individuals providing vocational rehabilitation services to clients, as a basis for evaluating the client's progress or determining need for revising his vocational rehabilitation plan.

(b) Periodic assessment and interpretation on progress by the counselors, teams, and committees will be made. The use of written and verbal information would be utilized in this process.

SECTION 13.

CLIENT RESOURCES

13.1

Consideration of Similar Benefits.

- (a) The Agency will give full consideration to any benefit available to the handicapped individual by way of pension, compensation or insurance to meet, in whole or in part, the cost of any vocational rehabilitation services provided to the individual except the following:
 - (1) evaluation, including diagnostic and related services;
 - (2) counseling and guidance; (3) placement; (4) follow-up services; (5) training and training materials;
 - (6) reader services for the blind; (7) interpreter services for the deaf; and (8) recruitment and training services to provide new employment opportunities.
- (b) When, and to the extent that, an individual is eligible for a benefit by way of pension, compensation or insurance which is available to meet the cost of the particular vocational rehabilitation service, the benefit will be utilized for such service. Such benefits would include (but would not be limited to) (1) hospital and physicians' services plans in relation to physical restoration services and (2) workmen's compensation, veterans' benefits, old age and survivors disability insurance benefits, and unemployment compensation in relation to basic maintenance.

13.2

State Economic Need Policies.

The economic need of each client will be established either simultaneously with or within a reasonable time prior to the provision of those services for which the Department requires a needs test.

- (a) No economic needs test will be applied as a condition for furnishing the following vocational rehabilitation services: (1) evaluation, including diagnostic and related services (including transportation and extended evaluation for any period under 18 months maximum); (2) counseling and guidance; (3) placement; (4) training tuition including training materials, books, and tools; (5) occupational licenses; (6) reader services for the blind; (7) interpreter services for the deaf; and (8) services of an attendant.
- (b) Those services which the Department has conditioned on an economic need are:
 - (1) Physical restoration services
 - (2) Maintenance
 - (3) Transportation, except where necessary in connection with determination of eligibility or nature and scope of services
 - (4) Tools, equipment, and initial stocks (including livestock) and supplies; equipment, and initial stocks and supplies; and necessary shelters in connection with the foregoing items

Section 13.2 (Continued)

- (5) Other goods and services (such as business licenses), not prohibited by the Federal Act and Regulations, necessary to render a handicapped individual fit to engage in a remunerative occupation.

The Agency may retain legal title to any or all of the goods listed in paragraph 13.2(b) (4) and 13.2(b) (5) above.

(c) The Agency maintains a written standard for measuring the financial need of clients with respect to normal living requirements and for determining their financial ability to meet the cost of necessary rehabilitation services.

(d) The policies so established will be reasonable and will be applied uniformly so that equitable treatment is accorded all handicapped individuals in similar circumstances, and four copies of current policies will be furnished to the Social and Rehabilitation Service.

SECTION 14. CASE RECORDING

14.1 General Provisions.

The Agency will maintain a record for each case that will contain pertinent information about the individual and the services provided.

14.2 Case Record Content.

The case record shall include to the extent pertinent items of information about the individual and the services provided:

- (1) data supporting the determination of eligibility or ineligibility will recorded;
- (2) data supporting the decision to provide services to determine the rehabilitation potential for those cases for which the third condition of eligibility cannot be determined immediately, the extended evaluation plan and progress reports on the extended evaluation;
- (3) data relating to the establishment of the client's need for financial assistance and client's participation in the cost of any services;
- (4) data relating to the eligibility of the individual for similar benefits by way of pension, compensation and insurance;
- (5) data supporting the clinical status of the client's disabling condition as stable or slowly progressive in the event that the physical restoration services are provided after the establishment of the three basic conditions of eligibility;
- (6) data will be maintained for supporting the decision to provide services to family members;
- (7) a vocational rehabilitation plan, setting forth the vocational rehabilitation objective of the individual, the services needed for his vocational rehabilitation (including services to family members) as determined through the case study and extended evaluation, if provided, and the way in which such services will be provided;
- (8) the reason and justification for closing the case, including the employment status of the client, and, if the case is closed as employed, the basis on which the employment was determined to be suitable; and
- (9) data supporting the provision of follow-up services after case closure to assist the individual to maintain his employment.

SECTION 15.

CONFIDENTIAL INFORMATION

15.1

Agency Regulations.

The Agency has adopted regulations and policies to assure that:

(1) All information as to personal facts given or made available to the South Carolina Vocational Rehabilitation Agency, its representatives, or its employees, in the course of administration of the vocational rehabilitation program, including lists of names and addresses and records of Agency evaluation, will be held to be confidential.

(2) The use of such information and records will be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the client to such release has been obtained either expressly or by necessary implication.

Release of information to employers in connection with the placement of the client may be considered as release of information in connection with the administration of the vocational rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested certain services under circumstances from which his consent may be presumed, provided such agencies have adopted regulations which will assure that the information will be held confidential, and can assure that the information will be used only for the purposes for which it is provided. Such information will be released to an organization or individual engaged in research only for purposes directly connected with the administration of the State vocational rehabilitation program (including research for the development of new knowledge or techniques which would be useful in the administration of the program) and only if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the Agency without written consent of such person and the Agency.

(3) All such information is the property of the Agency and may be used only in accordance with the Agency's regulations.

Section 15.2

Agency Procedures.

The Agency has adopted standards and operating procedures necessary to: (1) give effect to its regulations; (2) assure that all rehabilitation clients and interested persons will be informed as to the confidentiality of vocational rehabilitation information; (3) assure the adoption of such office practices and the availability of such office facilities and equipment as will assure the adequate protection of the confidentiality of such records.

SECTION 16. STANDARDS FOR FACILITIES

16.1 General Purposes of Standards.

The Agency has established and will maintain standards for the selection of facilities utilized in providing services to handicapped individuals that will assure a high quality of services.

16.2 Types of Facilities.

The major type facilities used by the Agency such as hospitals, clinics, rehabilitation centers, workshops, schools, and other training institutions will be utilized in keeping with established standards. The standards for selection of facilities will differ from one type of facility to another. Among the bases that might be utilized are licensing by a governmental authority (for example, nursing homes); approval by an accrediting body (for example, schools); consultation with appropriate professional organizations; use by other public agencies in the State which purchase similar services.

With respect to standards for hospitals, the advice of the State Medical Consultant and the Medical Advisory Committee is used. Only hospitals which are approved by the joint Commission on Accreditation of Hospitals or the State Board of Health and the State Hospital Association will be used in hospitalizing clients. (For rehabilitation facilities, the standards in Section 22.3 will be utilized, as appropriate.)

16.3 Maintenance of Standards.

The State Agency will conduct periodic reviews to evaluate the quality of services provided in the various facilities providing services to Agency clients. These evaluations will be participated in by the Agency consultant staff including the medical staff.

16.4 Guides for Agency Personnel.

The Agency will initiate memoranda establishing the approval or the discontinuance of approval of facilities. Each professional worker is provided with a loose leaf manual describing the facility policies and procedures and how they may be utilized for rehabilitation purposes.

SECTION 17.

STANDARDS FOR PERSONNEL PROVIDING SERVICES

17.1

General Policies.

- (a) The Agency has established and will maintain standards for the selection of professional and other personnel utilized in providing rehabilitation services to handicapped individuals.
- (b) The aim of such standards will be to assure a high quality of service.
- (c) It will be the policy of the agency to allow the client free choice of physician for diagnostic and treatment services, wherever possible and desirable.

17.2

Standards for Specific Types of Personnel.

(a) Medical diagnosis and medical treatment are provided clients only by physicians licensed to practice medicine and surgery and otherwise qualified by training and experience to perform specific services required. It is the policy of the Agency in providing specialty medical services to use medical specialists who hold certificates of the American Medical Specialty Board where such boards have been established, or physicians who have established eligibility to examination by such boards; or applicants may be considered for the Medical Panel of Specialists when they meet the following qualifications:

- (1) Graduation from a school approved by the Council on Medical Education and Hospitals of the American Medical Association,
- (2) Completion of at least one year's internship in a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association for internship, and
- (3) Completion of at least two years largely devoted to special training or experience in a particular field of specialization, provided that such training and/or experience is recognized by the corporate membership of the local Medical Society; and provided further that residence has been established in or immediately adjacent to the town or city in which is located a recognized acceptable hospital where such specialty service may be performed.

The standards were formulated with the advice of the State Medical Consultant, the Medical Advisory Committee, and the State Medical Society.

Section 17.2 (Continued)

Dental diagnosis and dental treatment are provided only by dentists who are licensed to practice dental surgery and are otherwise qualified by training and experience to perform the specific dental services required.

Whenever feasible, well-organized clinics offering services of high quality which meet the standards established by the Medical Advisory Committee are used.

The standards of qualification of personnel providing physical or occupational therapy service are registry, or graduation from a school for the training of physical therapists or occupational therapists generally accepted by the profession. When personnel of such qualification are not available, other experienced therapists may be used.

The standards of qualification of personnel providing nursing service are registration, or eligibility for registration as a practical nurse. In the event personnel with the foregoing qualifications are not available, an experienced practical nurse is used.

It is the policy of the Agency to use optometrists for the purpose of measuring, prescribing, and fitting glasses. The optometrist is used only when there is no indication of pathology or when eye glasses are indicated.

Osteopaths have been limited to a very restrictive practice by law in this state and because of this restriction, very few reside in this state. They will be used for rehabilitation services in keeping with the law.

The personnel used for providing speech and hearing services to rehabilitation clients should have the approval of the Speech and Hearing Association or be employed by a school recognized as accredited by the State Board of Education or other accrediting agencies.

Prosthetists used by the Agency must be accredited by the American Board for Certification of Prosthetic and Artificial Appliance Industry, Incorporated.

(b) Psychologists used by the Agency must be accredited by the American Board of Psychologists, have a certificate of the State Psychological Association, have established qualifications for such membership. When persons with these qualifications are not available, psychological evaluations may be made by individuals trained in the administering and interpretation of psychological tests.

Section 17.2 (Continued)

(c) The standard of selection of training personnel will be based upon adequate training and experience in the field in which the instruction is to be given. Such standards will be, as far as possible, in conformity with standards set by the State Board of Vocational Education for instructors in the regular fields of education.

(d) All other personnel must be accredited by the accrediting agency in their specialty field or, after thorough investigation by the Agency, found to be acceptable for rendering service to the rehabilitation clients.

17.3 Maintenance of Standards.

The Agency will assure that professional and other personnel providing services to handicapped individuals will meet the prescribed standards. The Agency will periodically survey these professional and other personnel providing services to insure that they continue to meet the prescribed standards that were necessary for initial approval.

17.4 Guides for Agency Personnel.

The Agency will keep the staff currently informed of the standards required for selecting personnel to render vocational rehabilitation services to handicapped individuals through memoranda and conferences.

SECTION 18. RATES OF PAYMENT

18.1 Establishment of Rates of Payment.

- (a) The Agency has established rates of payment for diagnostic services, training, and physical restoration services purchased for handicapped individuals. Such rates of payment are intended to procure a high quality of services and to achieve efficient administration.
- (b) For unusual items or services not covered in the Agency's fee schedules, the appropriate amount of payment will be determined by securing advice of the Medical Consultant and of the appropriate agency advisory committee(s).
- (c) The Agency will maintain in convenient and accessible form these fee schedules and all necessary information justifying its established rates of payment.

18.2 Rates of Payment for Specific Types of Services.

- (a) The Agency policy is to work with individual providers of service to establish a reasonable fee schedule in keeping with each of the areas that follow:
 - (1) Diagnostic services
 - (2) Medical and surgical treatment
 - (3) Hospitalization
 - (4) Prosthetic appliances
 - (5) Training
 - (6) Rehabilitation center care
 - (7) Vocational rehabilitation services in workshop
 - (8) Minor medical services to MDTA trainees
- (b) Policies used in arriving at appropriate rates include:
 - (1) adoption of rates paid for similar services by other public agencies or the State; (2) consultation with Agency advisory committees and with organizations of providers of services; and (3) comparison with established rates for comparable community services.

No charge in excess of an established rate will be made or collected by a provider of such services.

- (c) Hospitalization.
 - (1) General Policy - Insofar as possible the Agency will utilize the reimbursable ratio cost to charge method in purchasing necessary in-patient or out-patient hospital services for its clients. Percentage payments

Section 18.2 (Continued)

(not to exceed 100%) for in-patient and out-patient services for the calendar year. Payment will be on an inclusive basis.

(2) Hospital cost statements - The Agency will secure annually from the S. C. Hospital Association a statement of costs, charges and reimbursement rate calculations for each hospital in the State to be used by the Agency. Verification of calculations of percentage payments and such other checks of the statements shall be performed by the S. C. Hospital Association Finance Division as required under rules and procedures established by the S. C. Hospital Association, Hospital Financing Division.

(3) Agreements with hospitals - The State Agency will enter into a written agreement with each hospital to be used in providing hospital services to vocational rehabilitation clients. The agreement will cover such items as rates of payment and their effective dates; enumeration of the materials, supplies, and hospital services that are covered by the inclusive rates; a listing of the services which the Department will pay for separately, since they are not provided by the hospital during the most recent accounting period; and the respective responsibilities of the hospital and the Department with respect to hospitalized vocational rehabilitation clients.

(4) Payment for additional services - Materials or services needed by hospitalized clients but which are not included in the inclusive average cost (examples are special nursing services, blood purchased from donors, and unusual drugs not stocked by the hospital) will be paid for at rates not to exceed those of other public agencies in the State.

(5) Exceptions to use of reimbursable ratio cost to charge method - The Agency will pay for hospital care for its clients on the basis of the hospital's regular charges for room, board, and nursing care, plus additional charges for special services rendered to the individual client: (a) when a hospital has refused to sell care at an inclusive rate based on average cost or when a hospital has declined to submit S. C. Hospital Association Forms C-2 and C-3; (b) when hospitals have been in operation for less than 12 months and therefore do not have valid cost figures; or (c) hospitals whose rates are established by law.

Section 18.2 (Continued)

(6) Purchase of care from out-of-State hospitals -
In buying hospital care from hospitals located in
other states, the Agency will follow the rates and
methods of payment established by the state vocational
rehabilitation agency in which the hospital is located.

SECTION 19. AUTHORIZATION OF SERVICES

19.1 Policies on Authorization of Services.

(a) The Agency will authorize in writing all services purchased for clients, either simultaneously with or prior to such purchases. A written record of each such authorization will be retained.

(b) Counselors and other designated personnel may authorize all vocational rehabilitation services.

19.2 Oral Authorization.

Oral authorization is permitted in emergency situations as a preliminary to formal written authorization, and a record of such oral authorization will be promptly made and a copy retained in the client's case record.

SECTION 20. SERVICES

20.1 Training and Training Materials.

- (a) The Agency will furnish training to handicapped individuals who have the mental and physical qualifications and capacity to profit by such training to achieve their vocational rehabilitation or to determine their rehabilitation potential.
- (b) Training includes vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the determination of the rehabilitation potential or to the individual's personal and vocational adjustment; it covers training provided directly by the State agency or procured from other public or private training facilities, including workshops and other rehabilitation facilities.
- (c) The Agency will provide books and other training materials to handicapped individuals accepted for evaluation of the rehabilitation potential and to eligible clients.

20.2 Physical Restoration Services.

- (a) Physical restoration services will be furnished individuals (1) accepted for an extended evaluation or (2) determined eligible for vocational rehabilitation services provided the criteria of eligibility are met. Such services will be furnished to individuals to the extent necessary to (1) determine rehabilitation potential, or (2) achieve their vocational rehabilitation.

The physical restoration services are those medical and medically related services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and include:

- (1) medical and surgical treatment; (2) psychiatric treatment; (3) dentistry; (4) nursing services; (5) hospitalization (either in-patient or out-patient care) and clinic services; (6) convalescent home care, nursing home care and rest home care; (7) drugs and supplies; (8) prosthetic devices essential to obtaining or retaining employment; (9) physical therapy; (10) occupational therapy; (11) medically directed speech or hearing therapy; (12) physical rehabilitation in a rehabilitation facility; (13) treatment of medical complications and emergencies, either acute or chronic, which are associated with or arise out of the provision

Section 20.2 (Continued)

of physical restoration services, or are inherent in the condition under treatment; and (14) other medical or medically related rehabilitation services.

- (b) For eligible individuals, physical restoration services will be furnished only if the following criteria are met: (a) the clinical status of the individual's condition is stable or slowly progressive (i.e., the condition must not be acute or transitory); and (b) physical restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time.
- (c) Physical restoration services provided to determine the rehabilitation potential of a handicapped individual under an extended evaluation plan is not subject to the provision requiring the physical condition of the client to be stable or slowly progressive.
- (d) Eye glasses and visual services may be prescribed and provided by a physician skilled in the diseases of the eye or by an optometrist.

20.3 Transportation.

- (a) The policies of the Agency are to furnish transportation to the handicapped individuals and, where necessary, members of their family, in connection with the provision of diagnostic and other services. Transportation for services other than diagnostic purposes will be based on economic need.
- (b) Transportation includes (1) cost of travel subsistence during travel (or per diem allowance in lieu of subsistence) for handicapped individuals and their attendants or escorts, where such assistance is needed, and (2) relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

20.4 Maintenance.

- (a) Maintenance will be provided only in order to enable an individual to derive the full benefit of other vocational rehabilitation services that he is receiving. Maintenance may be provided on an individual case at any time in connection with vocational rehabilitation services from the date of initiation of such service, including diagnostic service, to a reasonable period following placement. The client must be in financial need in order to be considered for maintenance.

Section 20.4 (Continued)

- (b) Major types of living expenses covered by maintenance payments include the handicapped individual's basic living expenses such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to achieving the individual's vocational rehabilitation objective.
- (c) Placement maintenance will not be available for the handicapped person after he actually receives remuneration for his employment or, in the case of the handicapped person placed in self-employment, after 30 days from the time the person is so placed.
- (d) The payment of maintenance to disability beneficiaries from Trust Funds will be subject to the conditions in Section 26.

20.5 Placement.

The Department will assume the responsibility for the placement of all handicapped individuals accepted for vocational rehabilitation services. Rehabilitation employment is considered suitable when, after a reasonable period of follow-up, it has been established that the following minimum conditions have been met to the extent practicable:

- (1) The work performed is consistent with the client's physical and mental capacities, interests, and personal characteristics.
- (2) The client possesses or has acquired necessary skills to perform the work successfully.
- (3) The employment and working conditions will not aggravate the client's disability nor jeopardize the safety or health of others.
- (4) The wages and the working conditions conform to State and Federal statutory requirements.
- (5) The client and employer are satisfied.
- (6) The employment is regular and reasonably permanent and the client receives a wage commensurate with that paid other workers for similar work. If not employed full-time the employment is consistent with the client's capacity to work and produce, such limitations of capacity having been recognized insofar as possible when the rehabilitation plan was formulated.

Section 20.5 (Continued)

There will be a reasonable period of follow-up after placement and prior to case closure to assure that the vocational rehabilitation objective of the client has been successfully achieved.

20.6 Tools, Equipment, Initial Stocks and Supplies, Occupational Licenses.

The Agency will provide to eligible clients the necessary tools and equipment; initial stocks (including livestock) and supplies; equipment, initial stocks and supplies for business enterprises, and occupational licenses.

These services are provided only when it has been established that they are essential and that the client has the necessary skill so that he can make a living provided he can secure tools, and/or equipment necessary to use his skill. A careful evaluation is made by the Department as to location of business. Standard tools and equipment are purchased rather than those of unknown quality or brand. Tools and equipment furnished are not a part of such materials an employer would ordinarily furnish.

Although no definite monetary maxima have been established in these areas, it is the policy of the Department that such expenditures be held to a reasonable figure.

20.7 Reader and Interpreter Service.

The Agency will provide to eligible clients (a) reader service for the blind, and (b) interpreter service for the deaf.

20.8 Services to Family Members.

- (a) "Family members" means any relative by blood or marriage of a handicapped individual and also means other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.
- (b) The Agency will provide rehabilitation services to family members of the handicapped individual only when it is determined that the handicapped individual will not become rehabilitated without this service.
- (c) Such services will include only those services which may be expected to contribute substantially to the determination of rehabilitation potential or to the rehabilitation of the handicapped individual.

Section 20.9

Recruitment and Training Services for New Employment Opportunities.

The Agency will follow the policy of furnishing (directly or by contract) recruitment and training services to provide eligible individuals or groups thereof with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate service employment.

Section 20.10

Facilities and Services for Groups of Handicapped Individuals.

- (a) The Agency will follow the policy of providing facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the rehabilitation plan of any one handicapped individual.
- (b) Such facilities and services may include, but are not limited to, the removal of architectural barriers from buildings to be used for the training or employment of handicapped individuals, the provision of instructional materials or services for a group of handicapped individuals, or the provision of a special bus or other vehicle for the transportation of handicapped individuals.

20.11

Other Goods and Services.

- (a) The Agency will provide to eligible clients other goods and services including but not limited to business licenses, attendant services when such services are necessary to determine the rehabilitation potential of the handicapped individual or to render him fit to engage in a gainful occupation.
- (b) The Agency will assume responsibility for providing, as other goods and services, amounts to cover the cost of medical care for short periods necessary to treat acute conditions arising in the course of vocational rehabilitation which, if not cared for, would constitute a hazard to achieving the individual's vocational rehabilitation objective or to the completion of the determination of rehabilitation potential.

20.12

Follow-up Services.

- (a) The State Agency will provide follow-up services after placement and case closure to assist former clients in need of such services to maintain themselves in employment.
- (b) The Agency will provide follow-up services where the handicapped individual's condition is so severe that

Section 20.12 (Continued)

continued contact and assistance is needed to keep client employed.

- (c) The nature and scope of follow-up services to be provided will include guidance, counseling, and social services.
- (d) Follow-up services will be provided directly by the Agency staff or through a written agreement with other agencies.

SECTION 21. SMALL BUSINESS ENTERPRISES INCLUDING VENDING STANDS

This is left open for further consideration.

SECTION 22. ESTABLISHMENT OF REHABILITATION FACILITIES

22.1 Legal Authority.

The State Agency owns and operates its own rehabilitation facilities and this is accomplished by third party agreements with public or non-profit agencies. The State does not contract with other facilities for such services. The Agency does not make its funds available to public or other non-profit agencies for the establishment of rehabilitation facilities.

- (a) Act number 108 of the Acts of 1957 is the pertinent law governing the State Agency's authority to establish public and other non-profit facilities.
- (b) The State Agency is authorized by the State Legislature to accept funds made available by political subdivisions of the State including funds contributed by such a subdivision, private agency, organization or individual which are earmarked for particular establishment or within a specific geographic area for the benefit of a group of individuals with a particular disability, when such a project is in conformity with the State Plan and when the State Agency determines that the proposed project will benefit the state's program of services to the handicapped.

22.2 Policies on Establishment of Rehabilitation Facilities.

- (a) For the purpose of this activity, a rehabilitation facility means a facility operated for the primary purpose of providing vocational rehabilitation services to or gainful employment for handicapped individuals, or for providing evaluation and work adjustment services for handicapped disadvantaged individuals under the state plan for the vocational evaluation and work adjustment plan which provides one or more of the following types of services: (1) comprehensive rehabilitation services, including under one management, medical, psychological, social, and vocational services; (2) testing, fitting, or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing therapy; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training (in combination with other rehabilitation services); (10) evaluation or control of special disabilities; and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market: Provided that all medical and related health services are prescribed by, or are under the formal supervision of, persons licensed to practice medicine or surgery in the State.

Section 22.2 (Continued)

- (b) As used in this plan section, workshop means a rehabilitation facility, or that part of one, where manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped disadvantaged individuals under the State Plan for the vocational evaluation and work adjustment program.
- (c) The major purpose of any rehabilitation facility establishment is (1) to provide vocational rehabilitation services or gainful employment to handicapped individuals or (2) to provide vocational evaluation and work adjustment services to handicapped disadvantaged individuals under the State Plan for the vocational evaluation and work adjustment program.
- (d) The establishment of rehabilitation facilities means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them or to increase their effectiveness for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility, for a period not exceeding four years and three months.
- (e) Where initial staffing assistance is provided, it will be available only for personnel engaged in new or expanded program activities of the rehabilitation facility.
- (f) Prior to the establishment of a rehabilitation facility, the State agency will determine that the need for such rehabilitation facility exists and that such establishment is consistent with the State rehabilitation facilities plan.
- (g) There will be coordination between the State Agency and the hospital division of the State Health Department which is responsible for administering the Medical Facilities Survey Construction Act of 1954 (P. L. 482, 83rd Congress) as amended, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (P. L. 164, 88th Congress) as amended, and any other act concerned

Section 22.2 (Continued)

with or programs pursuant to any other act concerned with the development, establishment, or construction of rehabilitation facilities, in order to prevent duplication of rehabilitation facilities and impairment of the objectives of the State vocational rehabilitation program. This will be accomplished by coordination between the Director of hospital construction section of the State Board of Health and the Director of the State Agency. The hospital construction section of the State Board of Health consults with the State Agency on all matters pertaining to rehabilitation facilities sponsored by that agency.

- (h) The State Agency will submit reports concerning the establishment of facilities in such form and containing such information as the Administrator may require.

The provisions on nondiscrimination in employment under construction contracts in Section 4.6 are applicable. Also, the requirements of an assurance to comply with Title VI of the Civil Rights Act and Regulations (Form HEW-441) in Section 25.1(b)(8) are applicable.

22.3 Criteria and Standards for Rehabilitation Facilities.

In the "establishment" of facilities, the State Agency will be guided by the following standards and criteria:

- (1) Physical Plant - The physical plant of the facility shall meet, or through financial assistance provided under this section of the Plan shall be altered to meet, applicable local and State building codes and regulations, and to eliminate, if such exists, architectural barriers to the rehabilitation of the handicapped individuals.
- (2) Equipment - The facility shall be adequately equipped to carry out its functions, or through the provision of financial assistance under this section of the Plan, shall secure adequate equipment for the performance of its functions. In the selection and purchase of new equipment, the State Agency and the workshop will utilize the technical advice to persons skilled in facility administration or operations.
- (3) Personnel - The facility shall be adequately staffed with personnel qualified to carry out its functions.
- (4) Administrative and Management Standards - The facility shall observe sound administrative and management standards in its operations.

Section 22.3 (Continued)

(5) Safety and other Pertinent Consideration - The facility shall comply with applicable local, Federal and State laws and regulations with respect to fire protection, safety devices or guards on machinery, and other accident hazards.

In the "establishment" of rehabilitation facilities which include workshops, the following standards and criteria will apply:

(1) Health - The workshop facility shall comply with applicable local and State laws and regulations relating to sanitation, and shall provide for medical supervision of workshop facility employees, including necessary first aid or other emergency health services.

(2) Wages - The workshop facility shall comply with Federal and State wage laws.

(3) Hours and Working Conditions - The workshop facility shall comply with Federal and State laws regarding hours of work, and shall make provision for adjustment of hours on an individual basis in accordance with the work tolerance of the individual employee and his rehabilitation plan. The workshop facility shall provide for rest periods and facilities, and other services to employees designed to further the rehabilitation objective.

(4) Workmen's Compensation or Liability Insurance - The workshop facility shall comply with applicable State laws and other pertinent consideration relating to work accidents and occupational diseases.

Such standards and criteria shall at least equal (1) the safety standards for rehabilitation facilities prescribed in regulations of the Secretary of Labor and (2) the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped". They shall also take into account, insofar as applicable, the standards of the Administrator as developed with the advice of the National Policy and Performance Council.

Section 22.4

Private Contributions for Establishment of Particular Rehabilitation Facilities.

State funds for establishment of rehabilitation facilities may include contributions made by any private organization or individual to meet in whole or in part the State's share of costs of establishment of a public or other nonprofit rehabilitation facility which are deposited in the account of the State or local rehabilitation agency in accordance with State law and which are earmarked, under a condition imposed by the contributor, for establishing a particular rehabilitation facility. Such a contribution, however, may be used to earn Federal funds only with respect to expenditures for establishing the particular public or other nonprofit rehabilitation facility for which the contribution was earmarked.

22.5

Extent of Federal Financial Participation.

(a) When the State agency uses federal funds for the establishment of a rehabilitation facility, it will be for the establishment of a nonprofit facility which is an organizational unit of the State agency or where a cooperative written agreement has been established defining cooperation responsibilities.

(b) The State agency will not seek or use Federal financial participation in any expenditures for (1) purchase or rental of land or buildings in connection with the establishment of such facilities; (2) expansion of an existing building which has not been completed in all respects; (3) expansion of an existing building to the extent that the total size of the resultant expanded building, determined in square footage of usable space, will be greater than twice the size of the original existing building; or (4) expansion of an existing building if the method of joining the expanded portion to the existing building indicate that, in effect, a separate structure is involved.

(c) When the State agency seeks Federal financial participation in expenditures for establishment of a rehabilitation facility (including initial equipment and, for no more than four years and three months, initial staffing), it will be at the rate of 75 per cent for fiscal year 1969 and 80 per cent thereafter.

Section 22.6

Controls of Expenditures.

(a) All expenditures in connection with the facility which is an organizational unit of the State Agency will be accounted for in accordance with appropriate State laws and regulations.

Section 22.6 (Continued)

- (b) Expenditures will be made only in connection with the facility which is an organizational unit of the State Agency or where a cooperative written agreement has been established defining cooperative responsibilities of the State agency and other public or private non-profit agencies.
- (c) Where a rehabilitation facility is established co-operatively by the State agency and other public or private non-profit agencies, the equipment purchased for the establishment of the facility will remain in the facility so long as the facility continues in operation. In the event that the rehabilitation facility discontinues operation, the equipment will become the property of the aforesaid public or private non-profit agency for the continued use of rehabilitation.
- (d) The South Carolina State Law makes no provision for the State agency to make grants to a private or non-profit agency.

SECTION 23.

CONSTRUCTION OF REHABILITATION FACILITIES WITH
FEDERAL FINANCIAL PARTICIPATION UNDER SECTION 2,
VOCATIONAL REHABILITATION ACT

23.1 Legal Authority.

- (a) Act number 108 of the Acts of 1957 is the pertinent law governing the State Agency's authority to establish public and other non-profit facilities.
- (b) The State Agency is authorized by the State Legislature to accept funds made available to political subdivisions of the State including funds contributed by such a subdivision, private agency, organization, or individual which are earmarked for particular establishment or within a specific geographic area for the benefit of a group of individuals with a particular disability if such a project is in conformity with the State Plan and if the State Agency determines that the proposed project will benefit the State's program of services to the handicapped.

23.2 Primary Purpose of Construction.

The primary purpose of the construction of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals or to provide evaluation and work adjustment services to handicapped disadvantaged individuals under the State Plan for the vocational evaluation and work adjustment program.

23.3 Definitions.

- (a) "Construction of a rehabilitation facility" means
 - (1) the construction of new buildings, the acquisition of existing buildings, or the expansion of existing buildings, which are to be utilized for rehabilitation facility purposes;
 - (2) the acquisition of initial equipment of such new, newly acquired, or newly expanded buildings; or
 - (3) the initial staffing of such a rehabilitation facility for a period not to exceed four years and three months.
- (b) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to or gainful employment for handicapped individuals, or for providing evaluation and work adjustment services for handicapped disadvantaged individuals under the State Plan for the vocational evaluation and work adjustment program which provides singly or in combination one or more of the following services for handicapped individuals:

Section 23.3 (Continued)

- (1) Comprehensive rehabilitation services which will include, under one management, medical, psychological, social and vocational services; (2) testing, fitting, or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing therapy; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training (in combination with other rehabilitation services); (10) evaluation or control of special disabilities; and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; Provided, that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.
- (c) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped disadvantaged individuals under the State Plan for the vocational evaluation and work adjustment program.

23.4 Determination of Facility Needs.

- (a) The State Agency will determine that the need for individual rehabilitation facilities exists prior to their construction and that such construction is consistent with the State rehabilitation facilities plan.
- (b) There will be coordination between the State Agency and the State Agency or agencies administering programs pursuant to any other act concerned with the developments, establishment, or construction of rehabilitation facilities, in order to prevent duplication of rehabilitation facilities and impairment of the objectives of the State vocational rehabilitation program. Consultation and review of establishment needs by cooperation among agencies will be carried out.

23.5 Standards of Construction.

- (a) All rehabilitation facilities will be constructed according to minimum standards of construction and

Section 23.5 (Continued)

equipment for rehabilitation facilities prescribed by the Administrator for construction of rehabilitation facilities as provided for in Part 404 of the Vocational Rehabilitation Regulations and according to regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities.

- (b) The standards and criteria applicable to the construction of rehabilitation facilities will be followed with respect to physical plant, equipment, personnel administration and management, safety, and other pertinent considerations. Insofar as rehabilitation facilities which are or include workshops are concerned, the standards and criteria applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent considerations will be maintained. Such standards and criteria will equal (1) those developed by the Administrator with the advise of the National Policy and Performance Council, insofar as they are relevant, (2) the safety standards for rehabilitation facilities prescribed in regulations of the Secretary of Labor, and (3) the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

23.6 Requirements of Expenditures for Construction as Compared With Expenditures for Other Vocational Rehabilitation Services.

- (a) The total Federal financial participation in the expenditures for construction of rehabilitation facilities for a fiscal year obligated during that fiscal year will not exceed ten per centum of the State's allotment for such year under Section 2 of the Vocational Rehabilitation Act.
- (b) The State share of expenditures for vocational rehabilitation services under the plan other than construction of rehabilitation facilities will at least equal the average of its expenditures for such other vocational rehabilitation services for the preceding three fiscal years.

23.7 Limitation on Initial Staffing Assistance.

Where initial staffing assistance is provided, it will be available only for personnel engaged in either new or expanded program activities of the rehabilitation facility.

Section 23.8

Assurances Required on Construction Proposals.

Any construction proposal will be accompanied by assurances that:

- (1) For no less than 20 years after completion of its construction, the rehabilitation facility will be used as a public or other nonprofit rehabilitation facility;
- (2) Sufficient funds will be available to meet the non-federal share of the cost of construction of the rehabilitation facility in terms of funds immediately available, placed in escrow, or acceptably pledged, or funds or fund sources specifically earmarked in a sum sufficient for that purpose, or other assurances acceptable to the State Agency, or where the State Agency is constructing the rehabilitation facility for its own use, such assurances as are acceptable to the Administrator;
- (3) When construction of the rehabilitation facility is completed, sufficient funds will be available for its effective use as a rehabilitation facility, as evidenced by a proposed operating budget for the two-year period immediately following completion of construction or by other evidence acceptable to the State Agency or, where the State Agency is constructing the rehabilitation facility for its own use, by such evidence as is acceptable to the Administrator;
- (4) The rehabilitation facility will be constructed according to the minimum standards of construction and equipment prescribed by the Administrator for the construction of rehabilitation facilities as provided for in Part 404 of the Vocational Rehabilitation Regulations and according to the safety standards for rehabilitation facilities prescribed in regulations of the Secretary of Labor, as evidenced in the plans and specifications which accompany or supplement the construction proposal;
- (5) Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the rehabilitation facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of eight hours in any calendar day or 40 hours in the work week (40 U.S.C. 327-332); and

Section 23.8 (Continued)

- (6) The Agency will furnish such other assurance as the Administrator may require to ensure that standards and procedures for construction under the State plan for vocational rehabilitation services will be consistent with standards and procedures for construction of rehabilitation facilities specified in Part 404 of the Vocational Rehabilitation Regulations.

23.9 Types of Construction Expenditures in which Federal Financial Participation will be Available.

Federal financial participation will be sought in expenditures made under the State Plan for construction of public or other nonprofit rehabilitation facilities for the following types of expenditures only: (1) Costs of construction of new buildings and expansion of existing buildings when the expansion is extensive enough to be tantamount to new construction; (2) architect's fees; (3) acquisition of land in connection with the construction of a rehabilitation facility; (4) acquisition of existing buildings; (5) site survey and soil investigations; (6) supervision and inspection at the site; (7) initial equipment; and (8) such other costs as have been specifically approved by the Administrator. Federal financial participation will not be sought in any expenditures for off-site improvements.

23.10 Extent of Federal Financial Participation.

The amount of Federal financial participation sought in expenditures for construction of a rehabilitation facility (including initial equipment and, for a period not to exceed four years and three months, initial staffing) will equal the "Federal share" percentage applicable to rehabilitation facilities built in the same location with aid under the Hill-Burton program.

23.11 Private Contributions for Construction of Particular Rehabilitation Facilities.

Under State law, State or local funds for construction may include contributions by private organizations or individuals which are deposited in the account of the State or local rehabilitation agency in accordance with State law and which are earmarked, under a condition imposed by the contributor, for meeting all or part of the State's share of constructing a particular public or other nonprofit rehabilitation facility. However, such funds will be used to earn Federal funds only with respect to constructing the particular rehabilitation facility for which the contributions were earmarked.

Section 23.12

Procedure for Review of Construction Proposals.

The Agency will forward each proposal for the construction of a rehabilitation facility to the Regional Commissioner for review and recommendation. No such approval of construction proposals will be given until these proposals have been reviewed by the Regional Commissioner and his recommendations obtained. Such a proposal will contain or be accompanied by a statement showing the relationship of the proposal to the purposes and priorities established in the State rehabilitation facilities plan and the manner and extent to which the proposed facility will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the Agency's program.

23.13 Nondiscrimination in Employment under Construction Contracts.

The State Agency will incorporate, or cause to be incorporated, into construction contracts (including contracts related to construction of rehabilitation facilities) paid for in whole or part with Federal funds under the vocational rehabilitation program such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246. The Agency will otherwise comply with requirements prescribed by and pursuant to such order.

23.14 Procedures for Expenditure by Private Nonprofit Agencies of Funds Made Available for Construction under the State Plan.

The South Carolina State Law makes no provision for the State Agency to make grants to a private or non-profit agency.

23.15 Recovery.

If within 20 years after completion of any construction of a rehabilitation facility, it ceases to be a public or other nonprofit rehabilitation facility, the United States will be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal financial participation in that facility bore the total cost of construction of such facility.

23.16 Reports.

Reports concerning the construction of the rehabilitation facilities will be submitted in such form and will contain such information as the Administrator may require.

SECTION 24.

HEARINGS ON APPLICANT'S APPEAL

24.1 Administrative Review.

An applicant for or recipient of vocational rehabilitation services under the State plan who is dissatisfied with any State agency action with regard to the furnishing or denial of services will be advised of his right to and may file a request for an administrative review and redetermination of that action to be made by the Deputy Director or his designated representative.

24.2 Opportunity for a Fair Hearing.

(a) An opportunity for a fair hearing before the State Director or his designee will be granted to any individual who is dissatisfied with the finding of an administrative review, provided such request is presented in writing.

(b) The standards and procedures adopted by the State agency to ensure a fair hearing are:

(1) Applicants for or recipients of vocational rehabilitation services shall be advised of their right to opportunities available to them under 24.1 and 24.2 above.

(2) The hearing shall be held at a time and place convenient to the individual requesting a fair hearing. Such individual will be notified in writing as to the time and place of such hearing within a reasonable time in advance of such hearing. Such individual will also be notified in writing of his right to be represented at the hearing by counsel or a friend, if he so desires, and he will be so notified in time to have an adequate opportunity to prepare his case.

(3) At the hearing, the individual, and his representative if he desires to have one, will have an adequate opportunity for cross-examination and to present evidence in his behalf.

(4) The hearing shall be held before an official or officials of the State agency who, insofar as possible, have not taken part in the action under consideration. Authority to make the final decision based upon the record shall be exercised by the State Director or his designee.

Section 24.2 (Continued)

(5) The verbatim transcript of the testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and reports filed in the proceedings, and the hearing officer's recommendation, shall constitute the exclusive record for decision and shall be available to the individual at any reasonable time.

(6) The decision shall set forth the issue, principle, and relevant facts brought out at the hearing, the pertinent provisions in law and in agency policy, and the reasoning that led to the decision. The individual shall be forwarded a copy of the decision or shall be advised in writing of the content.

SECTION 25.

CIVIL RIGHTS

25.1

Statement of Compliance.

(a) Pursuant to the provisions of Title VI of the Civil Rights Act of 1964, and the Regulations issued thereunder, the vocational rehabilitation program administered by the South Carolina Agency of Vocational Rehabilitation is being and will continue to be conducted in such manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color, or national origin. The state agency is in fact administering the program in accordance with the law, the Regulations, and the policies and practices enumerated in Section (b) below.

(b) The State agency will conduct the vocational rehabilitation program in accordance with the provisions of Title VI and the Regulations issued thereunder, and, more specifically, will follow policies and practices including but not limited to those described below.

(1) No individual will on the ground of race, color, or national origin, be denied any service, financial aid, or other benefit provided under the vocational rehabilitation program or be provided a service, financial aid, or other benefit which is different, or is provided in a different manner, from that provided to others under the program. Such services, financial aid, or other benefits include all vocational rehabilitation services under the Vocational Rehabilitation Act, the Regulations Governing the Vocational Rehabilitation Program and the approved State Plan, and such related matters as the making of appointments, the designation of waiting periods, the selection of employment objectives, the quality of the services provided, and the selection of assignment of operators of vending stands and other small businesses.

(2) No individual will on the ground of race, color, or national origin be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the vocational rehabilitation program, nor will the individual be restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program. This includes any distinction with respect to spaces where services are offered or provided, housing and eating facilities, waiting rooms, and restrooms. Neither will separate times be set

Section 25.1 (Continued)

aside on the ground of race, color, or national origin for the provision of services.

(3) Employees of the agency, or of other agencies or organizations participating in the vocational rehabilitation program, will not be assigned caseloads or clientele on the basis of race, color, or national origin of the persons being served.

(4) Individuals will not, on the ground of race, color, or national origin, be denied the opportunity to participate (Other than as employees except as provided in (5) below) in the vocational rehabilitation program or be afforded an opportunity to do so which is different from that afforded others. This includes opportunities to participate as providers of any services, as conferees, observers, consultants, or advisors.

(5) The agency will make no distinction on the ground of race, color, or national origin in its employment practices with respect to individuals seeking employment or employed under a part of the vocational rehabilitation program where a primary objective of that part is to provide employment. This includes situations in which the employment is provided to students, fellows, interns, residents, or others in training for related employment (including research associates or assistants in training for research work), or to provide remunerative activity to individuals who because of severe handicap cannot be readily absorbed into the competitive labor market.

(6) In making determination of the types of activity to be included in the Vocational rehabilitation program or the geographical areas in which such program or activity will be carried out, or the persons who will be served or afforded an opportunity to participate, criteria or methods of administration will not be used which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(7) The agency recognized that its obligation to conduct the program in accordance with the requirements of the law and Regulations extends not only to those activities which are conducted directly by the State Agency but also to all activities under the

Section 25.1 (Continued)

program which are conducted by other agencies, institutions, organizations, or political subdivisions, through contracts, or other arrangements with the agency. This includes any activity supported with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements, and also includes other conditions which must be met in order to receive the Federal financial assistance.

(8) The agency will not approve any application, or make any expenditures, for the establishment of a workshop or rehabilitation facility, through the expansion, remodeling, or alteration of existing buildings, or the acquisition of initial equipment, until it obtains or furnishes an assurance in a form approved by the Commissioner of Vocational Rehabilitation that the applicant will comply with all the requirements imposed by or pursuant to the Act or the Regulations.

(9) The agency will maintain such records and submit such reports as may be required by the Commissioner of Vocational Rehabilitation to assure compliance with the regulations and will permit access during the normal business hours of the agency to such of its facilities, records, and other sources of information as may be pertinent to ascertain compliance with the regulations, and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

(10) The agency will make available to participants, beneficiaries, and other interested persons such information regarding the provisions of the Act and the Regulations, and make available such information in such manner, as may be required by the Commissioner of Vocational Rehabilitation to apprise such persons of the protections against discrimination assured them by the Act and the Regulations and will require the same from other agencies, institutions, organizations, or political subdivisions participating in the program.

Section 25.2

Methods of Administration.

(a) The agency will inform and instruct its own staff concerning their obligations under the Act, the Regulations, and the Statement of Compliance filed by the State agency by:

(1) Making copies of all pertinent documents available to the entire staff;

(2) Conducting as a regular part of its in-service training program, meetings to explain to all staff the intent and meaning of such documents and to instruct them as to their obligation in carrying out the policies contained therein;

(3) Conducting through regular supervisory channels, constant review of practices and policies to assure that no individual is being discriminated against because of race, color, or national origin.

(b) The agency will inform and instruct other agencies, institutions, organizations, political subdivisions, and vendors which provide services, financial aid, or benefits under the program of their obligations to comply with the Act, the Regulations, and the Statement of Compliance filed by the agency as a condition to their initial or continued financial participation in the program. This will be accomplished:

(1) By making clear, through written materials and personal explanations on a group or individual basis, the requirements of the Civil Rights Act and implementing Regulations and the policies and undertakings of the Department to effectuate these requirements;

(2) Where another agency, institution, organization, political subdivision, or vendor conducts any activity or furnishes vocational rehabilitation services under a subgrant, contract, or other arrangements, by assuring itself that such activity will be conducted or such services will be furnished in accordance with the agency's obligation in its Statement of Compliance. This will be accomplished in appropriate cases by determining that the agency, institution, organization, political subdivision, or vendor has executed an assurance in the form prescribed by the Department of Health, Education, and Welfare which is currently effective and applicable to the program under which the activity is conducted or the services furnished. In other cases, the Department will take appropriate steps to satisfy itself that

Section 25.2 (Continued)

the other agency, institution, organization, political subdivision, or vendor has agreed to and is conducting the activity or furnishing the service in accordance with the provision of the Statement of Compliance. This includes the use of memoranda of understanding setting forth specific obligations and undertakings of the other agency, institution, organization, political subdivision, or vendor or certifications of compliance on each voucher presented for payment to the Department. In any event, regular on-the-spot checks will be made by the Department staff to assure the compliance of any other agency, institution, organization, political subdivision, or vending participating in the program.

(c) The agency will inform clients, participants, potential clients and participants, and other interested persons, of the fact that services, financial aid, and other benefits under the program are provided on a nondiscriminatory basis, as required by the Civil Rights Act, and of their right to file a complaint with the State agency, of their right to file a complaint with the Federal agency, or both, if they believe that discrimination on the ground of race, color, or national origin is being practiced. This will be accomplished by:

(1) Written notice to all clients and to all applicants; and

(2) Inclusion of appropriate explanatory statements in public information materials which will be made available to interested persons and particularly to those individuals and groups which may be sources of referrals and applications.

(d) All complaints concerning discrimination because of race, color, or national origin shall be filed in writing, shall describe the type of discrimination alleged, and shall indicate when and where such discrimination took place and describe any pertinent facts and circumstances surrounding the alleged discrimination. The complaint shall be signed by the person making it. All complaints shall be addressed to the State Administrator who will assign them for thorough investigation through established supervisory channels. After the complaint has been looked into, the Administrator shall determine whether or not any discriminatory practice has been carried on and if he determines that one has, he will take such actions as may be necessary to correct past practices and to prevent the recurrence of such discrimination.

Section 25.2 (Continued)

The complainant shall be advised in writing as to the findings of the agency regarding the complaint.

The agency will maintain adequate records to show the action taken as a result of each complaint and will make such information available to the responsible departmental official or his duly authorized representative.

(e) At least once a year and more frequently in those cases where discriminatory practices are alleged or suspected, a representative of the Department will visit institutions, organizations, and political subdivisions participating in the program to assure that their practices conform to Title VI of the Civil Rights Act and the Regulations issued pursuant thereto as reflected in the Statement of Compliance. Through regular supervisory reviews, the State Administrator and supervisory personnel will determine whether discriminatory practices are being engaged in by Department personnel and will take such corrective action as may be required to insure that their actions are consistent with Title VI of the Civil Rights Act and the Regulations issued pursuant thereto as reflected in the Statement of Compliance.

SECTION 26. SERVICES TO DISABILITY BENEFICIARIES

26.1 Applicability of State Plan.

The State agency desires to use Trust Funds to pay for the costs of vocational rehabilitation services and related costs of administration furnished to disability beneficiaries, and such services will be made in accordance with all provisions of the State Plan which are not inconsistent with the requirements of this section.

26.2 Definitions.

For purposes of this section:

(a) "Disability Beneficiary" means a disabled individual who is entitled to benefits under section 223 of the Social Security Act (including disabled individuals serving a waiting period prior to such entitlement), a disabled individual over age 18 who is entitled to child's insurance benefits under section 202(d) of the Social Security Act, or a disabled widow, widower or surviving divorced wife under section 202(e) and (f) of the Social Security Act.

(b) "Productive activity" means full-time or substantial part-time employment or self-employment wherein the nature of the work activity performed, the earnings received, or both, or the capacity to engage in such employment or self-employment, can reasonably be expected to result in termination or nonpayment of social security disability benefits.

(c) "Trust Funds" means funds derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for purposes of vocational rehabilitation pursuant to section 222(d) of the Social Security Act.

26.3 Scope of Program

Vocational rehabilitation services available to disability beneficiaries will include the full range of services authorized in section 26.1, subject to the conditions and limitations set forth in sections (a)-(g) below.

(a) Citizenship, Residence, and Economic Need. Disability beneficiaries who meet the other requirements for selection for vocational rehabilitation services shall be provided with authorized services without regard to (1) citizenship or (2) place of residence, or (3) need for financial assistance.

Section 26.3 (Continued)

(b) Selection Criteria. To the extent funds provided from the Trust Funds are adequate for that purpose, vocational rehabilitation services will be furnished to disability beneficiaries in the State who the State determines on the basis of medical, vocational, social, personal or other factors are otherwise eligible for services and who meet the following requirements:

- (1) There is present a disabling physical or mental impairment which is not so rapidly progressive as to outrun the effect of vocational rehabilitation services, or to preclude restoration of the beneficiary to productive activity.
- (2) The disabling effect of the impairment, without the services planned, is expected to remain at a level of severity which would result in the continuing payment of disability benefits;
- (3) There is a reasonable expectation that the provision of such services will result in the restoration of the individual to productive activity; and
- (4) The reasonably predictable period of productive work activity is of sufficient duration that the benefits to be saved and the contributions which would be paid to the Trust Funds on future earnings would offset the cost of the services planned.

(c) Order of selection. The order of selection for services shall be in accordance with the beneficiary's readiness and potential for rehabilitation to productive activity and without regard to any order of selection which would otherwise be followed under the State Plan pursuant to the Vocational Rehabilitation Act.

(d) Promptness of services. Services will be furnished with reasonable promptness to disability beneficiaries selected under (a), (b), and (c) above.

(e) Maintenance. Trust Funds will not be used to pay the costs of maintenance while an individual is receiving vocational rehabilitation services unless it is necessary for the individual to be away from home to receive such services. The costs of such maintenance shall not exceed the amount of increased expenses that the rehabilitation program causes for the individual or his family.



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26.3

Section 26.3 (Continued)

(f) Equipment, vending stands, stock. Where Trust Funds are used to provide equipment, including vending stands, or initial stock to a disability beneficiary, or where such funds are used to equipmand stock a small business enterprise for the rehabilitation of a disability beneficiary, appropriate conditions will be established to assure the use of such equipment and stock, by another disability beneficiary, if such stock and equipment are no longer required for the previous beneficiary.

(g) Facilities and workshops. Trust Funds will not be used to pay the costs of establishment or construction of a rehabilitation facility.

